

PG. 1 OF 12

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

FILED

AUG 09 2021

Richard Clessip, et.al.,

PLAINTIFFS,

vs.

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY me DEPUTY

Randy Chandler, et.al.,

DEFENDANTS.

CASE NO. CV-14-665-F

WADE LAY, PLAINTIFF AS MovANT

CAPITAL CASE

(SEE EXHIBIT - A PG. 13) ATTACHMENT NO. 1

PLAINTIFFS RESPONSE TO DOCUMENT 444 WITH ITS
EXHIBIT A - (TO INCLUDE RELEVANT MOTIONS.)

COME NOW PLAINTIFF WADE LAY WITH THIS RESPONSE TO
THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA (U.S.D.C. W.D./OK.) ORDER IN DOC. NO. 444 WITH ITS

WADE LAY LAW #516263

OKLAHOMA STATE PENITENTIARY

DATE: 08/09/2021

P.O. BOX 97

PRO SE

MCALISTER, OKLAHOMA 74502

PL. 2012

EXHIBIT A STATEMENT:

"THE OPERATIVE STATEMENT OF THE CLAIM OF WADE LAY
IN THIS ACTION IS THE THIRD AMENDED COMPLAINT, DOC. NO.
325, FILED JULY 7, 2020 WHICH EXPRESSLY INCLUDES
MR. LAY AS A PLAINTIFF."

IN DOC. NO. 357 THE COURT ON 10/01/2020 STATES: "WADE LAY

REMAINS A PRO SE PLAINTIFF IN THIS ACTION." ADDITIONALLY DOC.

NO. 325 - THE THIRD AMENDED COMPLAINT FILED BY MICHAEL LIEBER-

MAN (COUNSEL FOR ALL OTHER PLAINTIFFS EXCLUDES WADE LAY). THIS

CLARITY IS EXHIBITED IN MULTIPLE PLEADINGS SUCH AS: DOC.

NO. 373, FILED BY MICHAEL LIEBERMAN ON 11/27/2020 SIGNIFYING

THAT, "ALL PLAINTIFFS" LEGALLY INCLUDES THE INDIVIDUAL PRISONERS

NAMED BY COUNSEL, TO INCLUDE THE THIRTY SIX (36) NAMED

PRISONERS IN THE PLAINTIFF'S "MOTION TO COMPEL Production

of Documents and Brief in Support FILED BY...". BUT DOES NOT, AND

FIG 8

1) THIS EXCLUDES THOSE INDIVIDUAL PRISONERS REMOVED FOR VARIOUS REASONS, SUCH
AS DEATH, OR THE *McCART V. OKLAHOMA* 5:21 (2020) RELEASE
591 U.S. (2020)

CANNOT FOR THE PURPOSE OF THE COURT'S ORDER (DOC. NO. 444)

INCLUDE THE PRO-SE PLAINTIFF IN WADE LAY.

THIS DISTINCTION IS MADE BY WADE LAY IN HIS AMENDED COMPLAINT.

(SEE DOC. NO. 326). AND BY MR. LIEBERMAN, (SEE DOC. NO. 327) THAT

WADE IS NOT REPRESENTED BY CROWELL MORING, OR MICHAEL LIEBERMAN.

ADDITIONALLY, WADE LAY IN HIS AMENDED COMPLAINT EMPHASITICALLY

DECLARIES:

"THE SOVEREIGN RIGHT OF A STATE TO TAKE A MAN'S LIFE FOR A CAPITAL OFFENSE IS BY NO PROVISIONAL MEANS EXCEPTIONALIZED IN THE UNITED STATES CONSTITUTION; MOREOVER, THIS ATTEMPT BY CROWELL MORING AND THE PLAINTIFFS IN RICHARD GLOSSIP V. KEVIN J. GROSS, (CIV. 14-665-F), IS A DISTORTION, A COUNTERFIT CLAIM, SUPPLANTING THE PROPER APPLICATION. . . .

"A DISTINCTION SHOULD BE RECOGNIZED, BETWEEN COLD BLOODED MURDER, AND VILAINOUS ACTS OF UNSPEAKABLE PERVERSIONS AND INHUMANE BRUTALITY FOR SELF-SERVING PURPOSES BEYOND RATIONAL COMPREHENSION; AND THAT OF RESISTANCE TO OPPRESSION. (SEE DOC. NO. 326 AT 16&17). MOREOVER, ON PAGE 2

OF WADE LAY'S AMENDED COMPLAINT IT READS:

IT IS IMPORTANT TO NOTE: UNAID LAY SIGNED AN AGREEMENT WITH CROWELL-MORING FOR REPRESENTATION; CROWELL-MORING DID NOT KEEP THEIR DOCUMENTED PROMISES TO LAY, CROWELL-MORING HAS BEEN TERMINATED BY LETTER."

THEREFORE, PURSUANT TO FED. R. CIV. P. 11, THE THIRD AMENDED COMPLAINT, DOC. NO. 325, FILED ON JULY 7, 2020 CANNOT BE AN

"OPERATIVE STATEMENT OF THE CLAIM OF UNAID LAY IN THIS ACTION".

FOR THAT REASON, IT IS PROPER TO EXAMINE IN A CONSTITUTIONAL LIGHT,

THIS COURT'S USAGE AND APPLICATION OF *BUCKLEW V PRECYTHE* 139 S. CT. 1112, (2019), AS PROFFERED BY ALL OTHER PLAINTIFF'S COUNSEL IN THE THIRD AMENDED COMPLAINT, (DOC. NO. 325).

JUSTICE GORSUCH DELIVERING THE OPINION FOR THE COURT WRITES CONCERNING BUCKLEW'S "SUGGESTION THAT THE TEST FOR LETHAL INJECTION PROTOCOL CHALLENGES" ADVANCED IN THIS CASE *GLOVER V. GROSS*, 135 S. CT. 2726 (2015), THAT:

"IN EVALUATING THIS ARGUMENT, WE FIRST EXAMINE THE ORIGINAL

RE: 4

"AND HISTORICAL UNDERSTANDING OF THE EIGHTH AMENDMENT AND
OUR PRECEDENT IN Baze AND Glossip. WE THEN ADDRESS WHETHER
THERE IN LIGHT OF THOSE AUTHORITIES, IT WOULD BE APPROPRIATE
TO ADOPT A DIFFERENT CONSTITUTIONAL TEST FOR AS-APPLIED CLA-
IMS."

-WHAT THE SUPREME COURT OF THE U.S. IS DOING, THERE IS

BEST EXPRESSED WITH A RELATIVE ANALYSIS, i.e., A BIBLICAL TERM

AS USED BY THOMAS JEFFERSON CONCERNING THIS SAME TOPIC.

HE SAID: ² "LINE UPON LINE", THE COURT IS PLACING DOCTRINE
UPON DOCTRINE, ATTACHING THEIR PROGRESSIONS TO THE CONSTITUTION,
AND WITH IMPUDENCE, INVOKING THE CHARACTER OF THOSE FOUNDRY
FATHERS TO PROMOTE A POSITION THAT IS SANCTIONED BY A JURISDICT-
IONAL AUTHORITY THEY SO HONORABLY FOUGHT AND BLED TO OVERCOME
AND BE AWAY WITH, THROUGH MEANS OF REVOLUTION.

JUSTICE GROSSOCH SO BOLDLY CLAIMS, THAT "THE CONSTITUTION ALLOWS

CAPITAL PUNISHMENT." HE IMMEDIATELY CITES Glossip v Gross, 135 S. Ct.

F.2d

2) JEFFERSON REFERENCE IS TO THE JUDGES WITHIN THE HOUSE OF LORDS, HE IS USUALLY A
BIBLICAL REFERENCE TO THE MANIPULATION OF THE LAW OF MOSES BY THE PHARISEES.

AT 2731-2733. THE SUPREME COURT SO DECEITFULLY BLEND'S "ORIGINAL
AND HISTORICAL" WITH MODERN DAY DOCTRINES FORUMED THROUGH
JUDICIAL CONSTRUCTION, THE FINAL ANALYSIS IS FICTION AT
BEST, BORDERING ON FRAUD!

IT IS DELUSIVE FOR J. GERSHON TO ATTACH HIS REASONING TO
THE ACTS OF THE FIRST CONGRESS, OR TO SUCH A MAN AS PATRICK
HENRY, AS HE DOES IN BUCKLOW, LEANING UPON GLOSSIP, AND
THEN THE SO-CALLED AUTHORITY APPLIED IN DOC. NO. 444 OF
THE ABOVE TITLED CASE, IMPOSED UPON A PRO-SE PRISONER
ILLEGITIMATELY PROHIBITED FROM RESPONDING TO THE DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT. WHAT A DISTORTION FROM THE
HISTORICAL FACT, TO A MODERN DAY MANIFESTATION OF THE ADVERSE
CONDITIONS CONTAINED WITHIN THE HISTORICAL CAVEAT PROVIDED BY
THOSE MEN WHOSE DECLAMATIONS ARE MISREPRESENTED.

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IT IS EASY TO ASCERTAIN, FROM THE VERY SOURCE (GORSUCH)

UTILIZES, THAT PATRICK HENRY VOICED CONCERN'S THAT THOSE

REVOLUTIONARIES SHARED, WITH REGARD TO A "JUDICIARY OFTEN

ESSENTIALLY CONSTITUTED". HISTORY ALSO TEACHES US THAT HENRY

SUPPORTED TO OPPOSITION OF THE PENNSYLVANIA MINORITY, IN THEIR

CONCERN'S ABOUT A JUDICIAL RE-EXAMINATION OF THE FACTS, THAT:

"THE CAUSE IS MANY TIMES ANOTHER THING BEFORE THE

COURT OF APPEALS, THAN WHAT IT WAS AT THE TIME OF THE

4 FIRST SENTENCE." THAT THROUGH MEANS OF THE COMMON

LAW A JUDICIAL BODY SO CONSTITUTED AS THE U.S. SUPREME COURT

COULD "NEW-MODEL THE WHOLE POLITICAL FABRIC OF THE

COUNTRY." (SEE MADISON'S REPORT ON THE ALIEN AND SEDITION ACTS).

THIS IS THE PRIMARY PURPOSE FOR THE STRUCTURAL APPARATUS

OF THE STATES RESERVED POWERS OF AN AUTONOMOUS CRIMINAL

FIN*

3) SEE PATRICK HENRY'S SPEECH JUNE 7, 1788 BEFORE THE VIRGINIA RATIFYING CONVENTION. 4) ANTI-FEDERALIST PAPERS BY RALPH KETCHUM, RECITING THE REASONS OF DISSENT OF THE PENNSYLVANIA MINORITY DEC. 18, 1787.

p. 7

JURISDICTION, ACTING IN TANDEM WITH THE PROHIBITIVE

CLAUSES IN THE U.S. CONSTITUTION, SUCH AS ART. I, SECT. 3,

CLAUSE 7, LIMITING THE CENTRAL AUTHORITY TO REMOVAL

OF OFFICE ONLY IN MATTERS OF IMPEACHMENT. THOMAS

JEFFERSON POINTS THIS OUT IN HIS DRAFT OF THE KENTUCKY

RESOLUTIONS OF 1796, HE WRITES:

"2. Resolved, that the Constitution of the United States, having delegated to Congress a power to punish treason, counterfeiting the securities and current coin of the United States, piracies, and felonies committed on the high seas, and offenses against the law of nations, and no other crimes whatsoever; and it being true as a general principle, and one of the amendments to the Constitution having also declared, that 'the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people'". (EMPHASIS ADDED).

IN PROMOTING THIS RESTRICTION TO AN ENLARGED CRIMINAL CODE, BEING

WITHHELD FROM THE CENTRAL AUTHORITY, IT IS CLEAR, THAT THOSE POWERS

THAT *IPSO-FACIO* REQUIRE AN INDEPENDENT TERRITORIES IS

DICTATED BY THE TENTH ARTICLE OF AMENDMENT. MAYBE

JUSTICE GORSUCH CAN BE ENLIGHTENED THROUGH THIS

CASE ON APPEAL, TO THE PROPER FUNCTION OF THE EIGHTH

AMENDMENT AS UNDERSTOOD BY THE 1ST CONGRESS. (SEE

doc. no. 326, at pg⁵ 58-60, paragraphs 137-142).

JAMES MADISON MAKES IT CLEAR JUDGE FRUIT, THAT THE

BILL OF RIGHTS, TO INCLUDE THE CONCEPT OF "CRUEL AND

UNUSUAL PUNISHMENTS" BEING PROHIBITED, APPLIES TO THE

CENTRAL AUTHORITY FOR THE EXPRESS PURPOSE TO EMPOWER

SUCH A MAN AS GOVERNOR KEVIN STITT; AND THE JUDGES OF

THIS STATE THROUGH ARTICLE VI, CLAUSE 2. THE FACES ATZ,

THIS COURT, AND THE U.S. SUPREME COURT ARE OUTSIDE OF THEIR

CONSTITUTIONAL LIMITATIONS, HAVING NO AUTHORITY TO DICTATE

F.D.

*) WHERE HAY'S AMENDED COMPLAINT.

RE-[✓]

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TO THE STATES AND SUCH PERMISSIONS OR DENIAL OF THEIR POWERS
WITH REGARD TO CRIMINAL PROCESS. JUSTICE GORSUCH IS OUT
OF LINE UNLESS HE SAYS: "THE JUDICIARY BEARS... LICENSE TO
END A DEBATE" ABOUT CAPITAL PUNISHMENT WITHIN THE REALM OF
STATE AUTHORITY. JUST AS HE IS UNWILLING TO SURRENDER
THE STATE'S CRIMINAL JURISDICTION TO A FOREIGN GOVERN-
MENT.

THE BURDEN NOW FALLS UPON THE STATES OF THIS UNION TO JOIN
FORCES IN THE SAME MANNER AS THEY DID IN 1798, LED BY
THOMAS JEFFERSON AND JAMES MADISON.

WADE LAY EMPHASITICALLY REJECTS THE COURT'S PROPOSITION THAT
IS PUT FORTH IN DOC. NO. 444, EXHIBIT A, AS BEING OPPRESSIVE
AND IRRATIONAL. FOR THAT REASON, SUPPORTED BY THE AMENDMENTS
OF HIS AMENDED COMPLAINT (DOC. NO. 326) WADE LAY RESPECT-

F.O.[✓]

8) SEE *Melville v. Oklahoma*, 590 U.S. (2020).

~~REDACTED~~ P-10
FULLY DECLINES TO IDENTIFY ANY NOTION OF AN ALTERNATIVE

EXECUTION METHOD, FOR ANY PRISONER TO COOPERATE WITH

SUCH USURPATION FROM THE CENTRAL GOVERNMENT, TO SUGGEST

OR PROVIDE ANY MEANS WHATSOEVER TO BE AN ACCEPTABLE

METHOD FOR HOW THE STATE COULD CARRY OUT SUCH EXECUTION,

NOT ONLY MAKES THE PLAINTIFF COMPLICIT IN A PROCESS HE

BELIEVES IS UNJUST, BUT IS AKN TO SUICIDE, OR ASSISTED

SUICIDE. IT IS IMMORAL, UNETHICAL, AND COMES FROM AN

IMPULSE BY THE U.S. SUPREME COURT UPON STATE LEADERS

AND A CITIZEN OF THAT STATE THOSE STATE LEADERS WERE DUTY

20.27
DUE TO PROTECT FROM SUCH OPPRESSION, ACTUALLY VIOLATES

THE EIGHTH AMENDMENT.

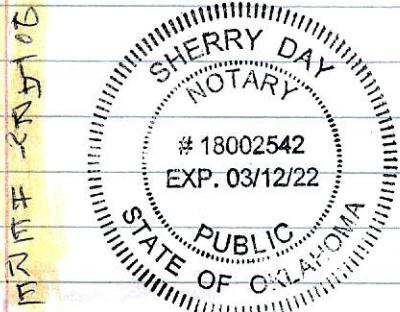
MADE LAST MOTIONS THIS COURT TO SUSPEND THE PROCEEDINGS.

TO ORDER AN EVIDENTIALLY HEATING PRECEDED BY DISCOVERY,

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RE: #

TO ASCERTAIN THE TRUE FACTS SURROUNDING MADE
LAY'S CIRCUMSTANCES, AND HOW THE CONSTITUTION OF
THE UNITED STATES, WITH RESPECT TO THE
RESERVED POWERS ACT OF OKLAHOMA (74 OS. SUPP. 2020,
SECTION 18D) PROTECTS HIS PECULIAR INTEREST SEPARATE
FROM THE OTHER PLAINTIFFS, AS REPRESENTED BY HIS
OWN AMENDED COMPLAINT (DOC. NO. 326).



SD
8/2/21

RESPECTFULLY SUBMITTED

BY MADE LAY AT O.S.P.

P.O. BOX 97

08/02/2021 MCALISTER, OKLA. 74502